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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROGER RANDOLPH,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

Case No. 2:18-cv-00449-RFB-VCF

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE
ANSWER TO SECOND AMENDED
PETITION (ECF NO. 24)**

(FIRST REQUEST)

Respondents move this Court for an enlargement of time of fifty-nine (59) days from the current due date of May 16, 2023, up to and including July 14, 2023, in which to file their answer to the remaining claims of Randolph's Second Amended Petition (ECF No. 24). This Motion is made pursuant to FED. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents to file an answer, and the request is brought in good faith and not for the purpose of delay.

DATED: May 16, 2023.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Erica Berrett
Erica Berrett (Bar. No. 13826)
Senior Deputy Attorney General

DECLARATION OF ERICA BERRETT

I, ERICA BERRETT, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I am responsible to represent Respondents in *Roger Randolph v. Renee Baker, et al.*, Case No. 2:18-cv-00449-RFB-VCF, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The answer to the remaining claims of Randolph's Second Amended Petition (ECF No. 24) is currently due on May 16, 2023. I have been unable with due diligence to timely complete the answer.

4. Since this Court ruled on Respondents' motion to dismiss and ordered Respondents to answer the remaining claims of the Second Amended Petition, I have had to devote my time to other federal habeas deadlines. During this time, I filed an answer in *Dixon v. Nevada*, 3:13-cv-00248-RCJ-WGC, and a reply brief in the Ninth Circuit Court of Appeals for *LaChance v. Dzurenda*, 21-16694, 3:17-cv-00689-MMD-WGC. I had to prioritize these matters as they are significantly older than Mr. Randolph's case and I had also received multiple extensions to file each of these pleadings. During this time, I also spent significant time preparing for oral argument in *LaChance v. Dzurenda*, which took place on May 12, 2023.

5. The Nevada Attorney General's Post-Conviction Division now has four vacancies for deputy attorney general positions, resulting in the remaining deputies, including myself, having to manage significantly larger caseloads. Additionally, as a senior deputy, I am responsible for additional administrative responsibilities beyond my caseload, including the time-consuming process of reassigning the federal habeas cases from the deputies that have recently departed our division. These duties, in addition to the responsibilities in my other cases, have prevented me from spending adequate time to complete the answer to Randolph's Second Amended Petition.

6. I have contacted Petitioner's counsel regarding this request for enlargement of time, and she does not oppose.

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4 || Executed on May 16, 2023.

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8	IT IS SO ORDERED:

13 DATED this 18th day of May, 2023.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Answer to Second Amended Petition (ECF No. 24) (First Request)* with the Clerk of the Court by using the CM/ECF system on May 16, 2023.

The following participants in this case are registered electronic filing system users and will be served electronically:

Shelly Richter
Assistant Federal Public Defender
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101

/s/ C. Martinez
An employee of the Office of the Attorney General